

REMARKS

I. Introduction

In response to the Office Action dated February 17, 2009, which was made final, and in conjunction with the Request for Continued Examination (RCE) submitted herewith, claims 10, 30 and 50 have been canceled, and claims 1, 21 and 41 have been amended. Claims 1, 3-9, 11-21, 23-29, 31-41, 43-49 and 51-60 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Prior Art Rejections

In section (5) of the Office Action, claims 1, 3-5, 7, 10, 21-23, 27, 30, 41-43, 47 and 50 were rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson et al., U.S. Patent No. 7,082,411 (Johnson) in view of Sandretto, U.S. Patent No. 5,812,988 (Sandretto). In section (6) of the Office Action, claims 6, 26, and 46 were rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson in view of Sandretto and further in view of Atkins, U.S. Patent No. 5,852,811 (Atkins). In section (7) of the Office Action, claims 8-9, 11-16, 20, 28-29, 31-36, 40, 48-49, 51-56, and 60 were rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson in view of Sandretto and further in view of Fundamentals of Financial Management by Kuhlemeyer (Kuhlemeyer).

However, in sections (8)-(9) of the Office Action, claims 17-19, 37-39, and 57-59 were indicated as being allowable if rewritten in independent form to include the base claim and any intervening claims.

Applicant's attorney acknowledges the indication of allowable claims, but respectfully traverses the rejections. Specifically, Applicant's attorney submits that the combination of references does not teach or suggest all of the various elements of Applicant's amended independent claims.

Applicants' claims recite a new variation for NPV calculations, in their use of NPV forecast rules. Specifically, the NPV forecast rules are novel and nonobvious improvements to prior art NPV calculations.

Both Johnson and Sandretto, for example, describe the well-known NPV calculation. However, neither reference describes the categories of distinctly different NPV forecast rules now listed in independent claims 1, 21 and 41, and defined in detail in dependent claims 11-20,

31-40 and 51-60 (including dependent claims 17-19, 37-39, and 57-59, which are indicated as being allowable).

With this in mind, Applicant's attorney submits that the Johnson and Sandretto references do not teach or suggest the limitations found in Applicant's independent claims. Indeed, the Office Action admits that Johnson and Sandretto do not teach or suggest the limitations found in Applicant's dependent claims 11-16, 20, 31-36, 40, 51-56 and 60, but nonetheless cites Kuhlemeyer as teaching these limitations.

However, Kuhlemeyer does not specifically describe the categories of distinctly different NPV forecast rules now listed in independent claims 1, 21 and 41, and defined in detail in dependent claims 11-20, 31-40 and 51-60. Instead, Kuhlemeyer merely describes the use of different cash flows in different forecast periods. However, the different cash flows of Kuhlemeyer merely comprise examples of specific amounts, and do not comprise Applicant's NPV forecast rules. Consequently, Applicant's claim limitations would not have been obvious to one skilled in the art at the time the invention was made.

The remaining Atkins reference fails to overcome these deficiencies of Johnson, Sandretto and Kuhlemeyer. Moreover, this is conceded by the Office Action because the Atkins reference was cited only for teaching limitations of Applicant's dependent claims 6, 26 and 46, which recite that the selected amounts are forecast amounts.

Consequently, the various elements of Applicant's claimed invention together provide operational advantages over Johnson, Sandretto, Atkins, and Kuhlemeyer. In addition, Applicant's invention solves problems not recognized by Johnson, Sandretto, Atkins, and Kuhlemeyer.

Thus, Applicant's attorney submits that independent claims 1, 21 and 41 are allowable over Johnson, Sandretto, Atkins, and Kuhlemeyer. Further, dependent claims 3-9, 11-20, 23-29, 31-40, 43-49 and 51-60 are submitted to be allowable over Johnson, Sandretto, Atkins, and Kuhlemeyer in the same manner, because they are dependent on independent claims 1, 21, and 41, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 3-9, 11-20, 23-29, 31-40, 43-49 and 51-60 recite additional novel elements not shown by Johnson, Sandretto, Atkins, and Kuhlemeyer.

III. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate. Please charge all fees to Deposit Account No. 50-4370 of Teradata Corporation (the assignee of the present application).

Respectfully submitted,

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